

FILED WITH LRC
TIME: noon
AUG 01 2023
Emily B Caudill
REGULATIONS COMPILER

1 GENERAL GOVERNMENT CABINET
2 Kentucky Board of Veterinary Examiners
3 (Amendment)

4 201 KAR 16:516. Fees – other fees.

5 RELATES TO: KRS 321.235(1)(c) [~~321.240, 321.201~~]

6 STATUTORY AUTHORITY: KRS 321.235(1)(c)[~~321.201(1), 321.235(3), 321.240(5)~~]

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.240(5) authorizes the
8 Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may
9 deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter
10 321, including regulations to establish authorized fees. KRS 321.201(1) authorizes the board to
11 issue a special permit for the practice of veterinary medicine and to require a fee for the permit.
12 This administrative regulation establishes fees for various services provided by the board and the
13 fee for a special permit.

14 Section 1. Payment and Submission of Fees.

15 (1) Fees to the board shall be paid by check or money order, or, if available, online
16 payment by debit or credit card. Checks and money orders shall be made payable to the
17 Kentucky State Treasurer.

18 (2) All fees shall be nonrefundable.

19 Section 2. [~~Fees for Special Permits. (1) The fee for a special permit issued by the board~~
20 ~~pursuant to KRS 321.201 shall be fifty (50) dollars.~~]

1 (2) ~~The fee shall be attached to either the Application for Licensure as a Veterinarian~~
2 ~~form as found in 201 KAR 16:540 or the Application for Retake of the NAVLE form as found in~~
3 ~~201 KAR 16:530 or online equivalent forms.~~

4 ~~Section 3.~~ Fees for License Verification Letters and Letters of Good Standing.

5 (1) The fee for a license verification letter or a letter of good standing shall be thirty (30)
6 ~~[ten (10)]~~ dollars per jurisdiction. The fee shall be attached to a Request for Licensure
7 Verification form or online equivalent form.

8 (2) Upon receipt of the request and payment, the board shall issue the requested letter and
9 complete any forms required by regulatory bodies in other jurisdictions.

10 Section 3 [~~Section 4~~]. Fees for Board Credential Holder Mailing Lists.

11 (1) (a) The fee for a request to obtain a copy of the mailing list [~~of the board's licensees~~]
12 for a commercial purpose shall be sixty (60) [~~fifteen (15)~~] dollars.

13 (b) The fee for a request to obtain a copy of the mailing list [~~of the board's licensees~~] for
14 a non-commercial purpose shall be thirty (30) dollars.

15 (c) The board shall not charge a fee to obtain a copy of the mailing list for the first three
16 (3) requests in a calendar year to the Kentucky Veterinary Medical Association (KVMA) or its
17 constituent in-state VMAs.

18 (2) The fee shall be attached to a Request for Mailing List form or online equivalent
19 form.

20 (3)[(2)] Within thirty (30) calendar days of [~~Upon~~] the receipt of the request and
21 payment, the board shall send a current credential holder [~~licensee~~] mailing list to the requesting
22 party.

1 Section 4 [Section 5]. Fees for Duplicate Wall Certificates and Laminated Credentials

2 [~~laminated credentials~~].

3 (1) The fee for a duplicate wall certificate, including the board's seal, [~~or a new laminated~~
4 ~~wallet-sized card,~~] shall be thirty (30) [ten (10)] dollars.

5 (2) The fee for a new laminated wallet-sized card shall be thirty (30) dollars.

6 (3) The fee shall be attached to a Request for Printed Credentials form or online
7 equivalent form.

8 Section 5. Request for Continuing Education Approval. The fee for an applicant to obtain
9 board approval as Approved program of continuing education shall be fifty (50) dollars paid
10 directly to the board and attached to the Request for Continuing Education Approval form as
11 found in 201 KAR 16:590 or online equivalent form.

12 Section 6. Fees for Processing Payments. (1) The board may require a reasonable service
13 charge for processing any payments submitted online or in paper form. The fees shall be
14 calculated as a percentage of the underlying fee and shall not be higher than the board's current
15 contracted rate for payment processing services.

16 (2) Service charge fees shall be non-refundable.

17 Section 7. Incorporation by Reference. (1) The following material is incorporated by
18 reference:

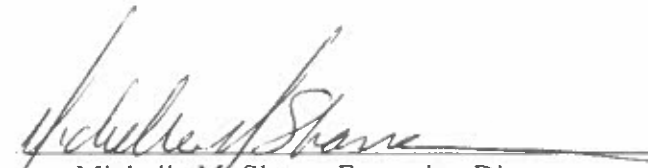
19 (a) "Request for Licensure Verification", 8/2023[2/2020];

20 (b) "Request for Mailing List", 8/2023[2/2020]; [and]

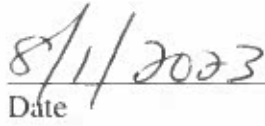
21 (c) "Request for Printed Credentials", 8/2023[3/2020]; and

22 (d) "Request for Continuing Education Course Approval", 8/2023.

1 (2) This material may be inspected, copied, or obtained, subjected to applicable copyright
2 law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky
3 40601, Monday through Friday, 8:30 a.m. [~~8:00 a.m.~~] to 4:30 p.m. This material may also be
4 obtained at www.kybve.com.



p.p Michelle M. Shane, Executive Director
on behalf of Steven J. Wills, DVM, Board Chair
Kentucky Board of Veterinary Examiners



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 24, 2023 at 1:00 p.m., at the Kentucky Department of Agriculture, Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 16:516

Contact Person: Michelle Shane, Executive Director

Phone: 502-782-0273

Email: michelle.shane@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the fees for services provided from the Kentucky Board of Veterinary Examiners (KBVE), including licensure verification to other jurisdictions, printed credentials, review of requests to approve continuing education courses, and processing fees for online transactions.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves additional services, as mandated in KRS 321.235(1)(c).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.235(1)(c), specifically require the board to charge fees for services provided by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist in effective administration by clearly expressing what fees have been approved by the board in order to keep all mandated board programs operational and responsive to constituent needs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Updating statutory references to conform with the new Kentucky Veterinary Medicine Practice Act, KRS Chapter 321; updating fees which have only minimally changed in nearly 30 years to ensure that the board remains operational, efficient, and responsive to both the public and credential holder needs. These changes also assist the board in implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(b) The necessity of the amendment to this administrative regulation:

Changes are necessary to conform with the new Kentucky Veterinary Medicine

Practice Act, KRS Chapter 321. The Kentucky Board of Veterinary Examiners has determined this amendment is necessary keep the board operational, and ensure adequate staffing levels to keep the board responsive to the needs of the public and credential holders. Costs for the board have increased, and it is necessary to raise fees to continue operations. These changes also assist the board in implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.235(1)(c), specifically require the board to charge fees for services provided by the board, including licensure verification to other jurisdictions, printed credentials, review of requests to approve continuing education courses, and processing fees for online transactions.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment shall ensure transparency about the fees associated with services provided by the board .

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

2,680 veterinarians, 592 veterinary technicians, future applicants, and former credential holders.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants will be required to have paid the fee prior to the KBVE providing services for licensure verification to other jurisdictions, printed credentials, review of requests to approve continuing education courses, and processing fees for online transactions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No costs are associated with compliance, as this is a prerequisite for administered services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Administrative ease of clear communications of the fees associated with licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The KBVE expects costs for all board operations to be approximately \$575,000 annually in the near term.

(b) On a continuing basis: The board expects costs for all board operations to be approximately \$750,000 annually in the future as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Fees for the KBVE come from license, certificate, permit, and registration fees established in this filing and the other fee filings. The board does not receive any general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to provide these services. Costs for the board have increased, and it is necessary to raise fees to continue operations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

Fees are established directly.

(9) TIERING: Is tiering applied? (Explain why or why not)

No. All regulated entities have the same requirements.

FISCAL NOTE
201 KAR 16:516

Contact Person: Michelle Shane, Executive Director
Phone: 502-782-0273
Email: michelle.shane@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Veterinary Examiners (KBVE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 321.235(3), 321.240(5)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This filing will generate approximately \$18,000 on an annual basis.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This filing will generate approximately \$18,000 on an annual basis.

(c) How much will it cost to administer this program for the first year?

This is not a new program. The KBVE expects costs for all board operations to be approximately \$575,000 annually in the near term.

(d) How much will it cost to administer this program for subsequent years?

The board expects costs for all board operations to be approximately \$750,000 annually in the future as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): +\$18,000 annually

Expenditures (+/-): -\$750,000 annually

Other Explanation: Additional expenses are anticipated by the KBVE

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There will be no cost savings.

(c) How much will it cost the regulated entities for the first year?

There will be additional costs involved to request services from the board, including licensure verification to other jurisdictions, printed credentials, review of requests to approve continuing education courses, and processing fees for online transactions. KBVE fees have only minimally changed in the past 30 years; the increase in fees is to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Costs for the board have increased, and it is necessary to raise fees to continue operations.

(d) How much will it cost the regulated entities for subsequent years?

The costs established in this regulation will be consistent in subsequent years. KBVE fees have only minimally changed in the past 30 years; the increase in fees is to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Costs for the board have increased, and it is necessary to raise fees to continue operations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): None.

Expenditures (+/-): -\$750,000 annually

Other Explanation: Additional expenses are anticipated by the KBVE

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]*

This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

- (a) "Request for Licensure Verification", 8/2023, is the 1-page application form that licensees use to request a verification letter from the Kentucky Board of Veterinary Examiners (KBVE) to be sent to other jurisdictions to show that a license is in good standing, or if any disciplinary action against the license exists. KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.
- (b) "Request for Mailing List", 8/2023, is the 1-page application form that any constituent or commercial entity shall use to request a credential holder mailing list from the Kentucky Board of Veterinary Examiners (KBVE). KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.
- (c) "Request for Printed Credentials", 8/2023, is the 1-page request form for a Board credential holder to request a printed credential from the Kentucky Board of Veterinary Examiners (KBVE). KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.
- (d) "Request for Continuing Education Course Approval", 8/2023, is the 1-page request form for interested parties to request approval from the Kentucky Board of Veterinary Examiners (KBVE) for CE credit for an individual CE course offering, pursuant to 201 KAR 16:590. KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided. This form is also incorporated by reference in 201 KAR 16:590, however the KBVE intends to remove this MIR from 16:590 in a soon to be future filing.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

- (a) "Request for Licensure Verification", 8/2023, is the 1-page application form that licensees use to request a verification letter from the Kentucky Board of Veterinary Examiners (KBVE) to be sent to other jurisdictions to show that a license is in good standing, or if any disciplinary action against the license exists. KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.
 - Page 1 was amended to update the instructions by deleting the "\$10" amount and adding instead "per jurisdiction", by updating the Section I table to condense the table by moving the "KY License Number" and "Expiration Date" fields up to the second row, deleting the requirement for the "Social Security Number", and deleting the third row of requested information, by changing the information in Section II table by updating the fee by adding "\$30" and deleting "\$10, changing the capitalization of the phrase "Service

Fee” to “service fee”, adding the “per jurisdiction” clarification, and by updating the footer “Form Last Updated” date to “08/2023”.

(b) “Request for Mailing List”, 8/2023, is the 1-page application form that any constituent or commercial entity shall use to request a credential holder mailing list from the Kentucky Board of Veterinary Examiners (KBVE). KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.

- Page 1 was amended to change the Introduction by deleting the word “licensee” and inserting the word “credential holder”, adding the phrases “by secure link” and “unless otherwise requested”, and deleting “\$15”, by updating Section I table to move the phrase and change capitalize of “if non-Commercial requestor” to appear before the phrase “Personal Mailing Address”, to add “If commercial requestor”, to delete the last line of the table containing the “Business Phone”, by updating the information in Section II, question 1 by adding “Fee Payment”, deleting “\$15”, adding the phrase “Checks shall be”, deleting “check”, adding the phrase “Cash is not accepted. Indicate purpose:”, adding a series of check boxes for the following items: “Commercial purpose - \$60”, “Non-commercial purpose - \$30”, and “KVMA or in-state affiliate VMA, no charge for first three (3) requests in a calendar year - # ___”, updating question 3 by deleting “Indicate intended use for documents: Commercial Non-Commercial”, and by updating the footer “Form Last Updated” date to “08/2023”.

(c) “Request for Printed Credentials”, 8/2023, is the 1-page request form for a KBVE credential holder to request a printed credential from the Kentucky Board of Veterinary Examiners (KBVE). KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided.

- Page 1 was amended to change the information in Section I table to add “Birthdate”, to update Section II table to change the word “Board” to “agency”, to change two instances of “\$10” to “\$30”, and by updating the footer “Form Last Updated” date to “08/2023”.

(d) “Request for Continuing Education Course Approval”, 8/2023, is the 1-page request form for interested parties to request approval from the Kentucky Board of Veterinary Examiners (KBVE) for CE credit for an individual CE course offering, pursuant to 201 KAR 16:590. KRS 321.235(1)(c) requires the KBVE to establish fees for services provided by the board, and this form is used to request one of the services provided. This form is also incorporated by reference in 201 KAR 16:590, however the KBVE intends to remove this MIR from 16:590 in a soon to be future filing.

- Page 1 was amended to change the form title by adding the word “Course”, changing the Instructions to delete the phrases “approval for” and “offered to licensees of the board”, add the phrase “Hard copy submission shall be”, delete the phrase “If providing printed materials, print”, updating Section I table to add the phrase “CE provider” and delete “Sponsoring Agency”, add “Provider” and delete “Agency” in two rows, in Section II table, add “Date(s) of Program” and “Time(s) of Program”, adding the phrase “Is this

program offered to the public?" with indicator boxes " Yes No", by adding "Acknowledge requirement to retain attendance records for four (4) years (201 KAR 16:590, Section 4(4)):" and adding a check box for response, " Yes", by adding the phrase "CE content area (check all that apply)", deleting "Program description", and adding check boxes for optional content areas, " Alternative / Non-traditional Medicines Anatomy, Physiology Controlled Substances Diagnosis, Treatment Disease(s) Ethics, Harassment General Veterinary Medicine Law, Legal Leadership, Supervision Multi-topic Conference or Symposium Practice Management / Administration Prescriptions, Non-CS drugs Reproduction Wellbeing Other: _____", by adding a the phrase "(check all that apply)", adding "Required: Agenda Presenter Bio(s) Program Description CE Certificate Template", deleting "Agenda" and "Presentation", adding "Optional: Brochure Meeting Flyer PowerPoint / Prezi Slides Other, describe: _____", and by updating the footer "Form Last Updated" date to "08/2023"